conduits or rights-of-way. It also addresses the maximum rates that may be charged by VZ-RI for attachments to its poles.[341]

2. VZ-RI's Position

VZ-RI asserted that, consistent with FCC requirements, it meets this checklist requirement by offering non-discriminatory access to poles, ducts, conduits and rights-of-way that it owns or controls.[342] VZ-RI stated that as of August 31, 2001, it provided over 218,502 pole attachments and access to 327,072 feet of conduit within Rhode Island.[343] According to VZ-RI, these pole attachments were provided to 11 telecommunications carriers, 4 cable television companies, and 35 other parties.[344] VZ-RI indicated that it also provided access to ducts and conduits to 12 telecommunications carriers and 7 other companies.[345] However, according to VZ-RI, no carrier has requested access to VZ-RI's private rights-of-way.[346]

VZ-RI stated that it treats all licensees, including those to CLECs, in a similar and non-discriminatory manner.[347] Verizon uses the same standard license agreement for pole attachments in Rhode Island that it uses in Maine, Massachusetts and New Hampshire and uses a standard conduit occupancy agreement for these states plus Vermont.[348] These agreements are available to existing licensees, as well as new applicants.

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[340] 47 U.S.C. § 271(c)(2)(B)(iii).
[341] 47 U.S.C. § 224.
[342] Verizon RI 271 Filing - Checklist Declaration, ¶ 110.
[343] Id.; Tr. 10/11/01, p. 189.
[344] Id.
[345] Id.
[346] Id.
[347] Verizon RI 271 Filing - Checklist Declaration, ¶ 110.
[348] Pole attachments are provided in Vermont under tariff arrangements. The license and conduit occupancy agreements were developed for use in New England states, through negotiations and monthly collaborative sessions with existing licensees occurring over the past two years. Id. at ¶ 111.

VZ-RI stated that access to poles, ducts, conduits and rights-of-way is provided on a "first come, first served" basis. Verizon has established and published a detailed process to ensure that each telecommunications carrier requesting access receives consistent and equitable treatment.[349] The following sets forth the process by which a CLEC may gain access, as explained by VZ-RI.

First, upon written request by a telecommunications carrier, VZ-RI provides access to information about the location of its facilities in the area where the carrier intends to request access. From March through August 2001, VZ-RI reported receiving four requests for information from telecommunications carriers and cable TV providers.[350] VZ-RI reported providing copies of records within five business days of the request in all cases.[351]

Second, VZ-RI processes applications on a first come, first served basis, reviewing each application for compliance with the same widely-accepted standards regarding safety, reliability, capacity and engineering that VZ-RI applies to its own projects involving pole attachments and occupancy of ducts, conduits, and rights-of-way.[352]

Third, VZ-RI conducts a survey to determine whether the requested facilities have space available for use. From March through August 2001, VZ-RI reported receiving 195 applications for access to poles and 19 applications for access to ducts and conduits. In the month of March, none of the 6 responses to applications provided by VZ-RI was

[349] See Verizon RI 271 Filing - Checklist Declaration, ¶ 111.
[350] Tr. 10/11/01, p. 190; Verizon RI 271 Filing - Checklist Declaration, ¶ 114-115.
[351] Id.
[352] The standards VZ-RI uses are the National Electrical Code, the National Electrical Safety Code, the Blue Book-Manual of Construction Procedures published in December 1998 by Telcordia Technologies Inc., rules and regulations of the Occupational Safety and Health Act, and standards stated in the standard licensing agreements. Verizon RI 271 Filing - Checklist Declaration, ¶ 116.

made within 45 days of receipt of the application. However, 100% of the 6 responses provided in April and 100% of the 40 responses provided in May were made within 45 days. Furthermore, VZ-RI has stated that it continued to meet the 45 day requirement for all months through August 2001.[353] VZ-RI attributed this improvement in performance to a personnel increase of more than 50% in Verizon's outside plant organization that is devoted to the processing of applications. With respect to the conduit applications, these were treated on a Project Basis, and VZ-RI reported meeting its negotiated time commitments for all applications.[354]

Fourth, although VZ-RI will often have existing spare capacity on its outside plant facilities to enable other carriers to place their facilities, there are cases in which make-ready work must be performed to provide additional capacity.[355] During the period from January 2001 through May 2001, VZ-RI indicated that it was able to use existing spare capacity to satisfy 82% of applications for access to poles, ducts, and conduit, and during the period of June 2001 through August 2001, 84% of applications were satisfied using existing spare capacity without the need for make-ready work.[356]

VZ-RI asserted that it scheduled make-ready work on a non-discriminatory basis for both VZ-RI and telecommunications carriers, using the same employees and independent contractors to perform the make-ready work for VZ-RI and for other requesting carriers. Work authorization details are evaluated, and work is scheduled based upon factors such as job type, size, and due date, without regard to the requesting

[353] VZ-RI Response to Record Request 21.
[354] Tr. 10/11/01, p. 191.
[355] Verizon RI 271 Filing - Checklist Declaration, ¶ 119.
[356] Id. at ¶ 122; VZ-RI Response to Record Request 22.

carrier's identity. VZ-RI indicated that it only charges the requesting carrier for work necessary to prepare facilities for its attachments and occupancy. [357]

VZ-RI stated that it uses two approaches for assessing its performance in conducting make-ready work. The first is an assessment of parity. At the October 11, 2001 hearing, Ms. Harrington testified that similar jobs having similar characteristics performed by VZ-RI for itself and for applicants are assessed on a parity basis.[358] From January 2001 through May 2001, VZ-RI reported that it completed make-ready work for applicants requesting pole attachments within an average of 69 days.[359] VZ-RI reported that it completed pole make-ready work for applicants in June in an average of 48 days and in August 2001 in an average of 89 days; while for itself, VZ-RI completed the work in an average of 62 and 100 days for the same months.[360] In July 2001, VZ-RI took longer to complete make-ready work for an applicant - 340 days - versus 182 days for itself. VZ-RI explained that the July result was for one job for Cox, and that the significant delay in completing the make-ready work was caused by a delay by the power company, the entity responsible for setting the poles.[361]

From January through May 2001, VZ-RI indicated that it performed make-ready work for applicants requesting conduit occupancy within an average of 92 days.[362] During the same period, VZ-RI reported completing its own make-ready work within an average of 116 days for poles and 330 days for conduits. VZ-RI completed no make-ready work for applicants in June 2001 and averaged 30 days for work completed in July

[357] Verizon RI 271 Filing - Checklist Declaration, ¶ 120.
[358] Tr. 10/11/01, pp. 194, 200.
[359] Verizon RI 271 Filing - Checklist Declaration, ¶ 123.
[360] Tr. 10/11/01, pp. 193-94.
[361] Tr. 10/11/01, pp. 194-95.
[362] Verizon RI 271 Filing – Checklist Declaration, ¶ 123.

2001 and 36 days for work completed in August 2001.[363] For its own make-ready work completed in this period, VZ-RI stated that it averaged 463 days for June 2001 and 166 days for August 2001. Verizon had no activity for its own make-ready work in July 2001.[364]

A second approach for evaluating performance is based on target timeframes that VZ-RI strives to meet to complete make-ready work for all pole and conduit applications that are not handled on a Project Basis. For poles, VZ-RI indicated that it strives to meet a target of 180 days from receipt of authorization to proceed with make-ready work to the issuance of a license. For conduits, that target is 90 days from receipt of authorization to proceed to issuance of a license. This timeframe includes VZ-RI's administration process, make-ready work, and work by third parties on VZ-RI's plant, all of which must be coordinated to enable a new attachment.[365]

From January through May 2001, exclusive of make-ready work handled on a Project Basis, VZ-RI reported that an average of 188 days elapsed from receipt of authorization to complete make-ready work to the issuance of a license for poles requiring make-ready work. In June and July 2001, there was no pole activity, while in August, the average time reported by VZ-RI was 127 days.[366] According to VZ-RI, all conduit make-ready work completed by VZ-RI during the period of January through August 2001 was for applications handled on a Project Basis.[367]

The final step in the process of obtaining access to VZ-RI's poles, ducts, conduits and rights-of-way is the installation of the requesting telecommunications carrier's

[363] Tr. 10/11/01, p. 200.
[364] Id.
[365] Id. at 205.
[366] Id. at 203.

facilities.[368] From January 2001 through May 2001, VZ-RI reported providing 90 licenses for 780 pole attachments. By August 2001, this number increased to 178 licenses for 3,271 pole attachments. VZ-RI also indicated that it granted access to 52,389 feet of conduit to six parties from January 2001 through August 2001.[369] VZ-RI stated that it is able to meet the increased demands in a timely manner.[370]

3. CLEC Comments

No CLEC filed any declarations or made any comments at the hearings disputing VZ-RI's performance in providing the required access under Checklist Item 3.

4. RIDPUC Comments

The RIDPUC noted that as of May 2001, VZ-RI was providing CLECs with pole attachments, access to conduit and access to ducts. In fact, the RIDPUC's expert stated: "when I opened the [Rhode Island] filing and I saw the vast number of pole attachments and the large number of conduit segments that had been granted access for CLECs I was surprised. I was very surprised to see that Verizon had done that much in Rhode Island."[371] He saw this as a positive sign.[372] The RIDPUC also noted that VZ-RI asserted that it was in compliance with Section 224 of the Act. Finally, the RIDPUC indicated that it agreed with VZ-RI's assertions and recommended a finding of compliance with Checklist Item 3 by the RIPUC.[373]

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[367] Verizon RI 271 Filing – Checklist Declaration, ¶ 125; Tr. 10/11/01, p. 204.
[368] Verizon RI 271 Filing – Checklist Declaration, ¶ 127.
[369] Id. at ¶ 128; Tr. 10/11/01, p. 206.
[370] Verizon RI Post-Hearing Brief, p. 42.
[371] Tr. 10/11/01, pp. 223.
[372] Id. at 223-24.
[373] RIDPUC's Exhibit 1, Appendix A, p. 3.

5. RIPUC Findings and Recommendation

We find VZ-RI to be in compliance with the requirements of Checklist Item 3. We note that VZ-RI has provided pole attachments to 11 telecommunications carriers, 4 cable television providers and 35 other parties. We also note that from April through August 2001, VZ-RI has responded to applications for access to poles, ducts and conduits within 45 days 100% of the time. In addition, during the months of January through August 2001, VZ-RI has shown that it has provided 178 licenses for 3271 pole attachments and has granted access to 52,389 feet of conduit to six parties. Finally, no comments were filed by any CLEC to challenge VZ-RI's compliance with the requirements of Checklist Item 3. Therefore, we find that VZ-RI is providing nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by VZ-RI in compliance with Checklist Item 3 of the Act and recommend the FCC find that VZ-RI has complied with the requirements of this checklist item.

D. CHECKLIST ITEM 4 – LOCAL LOOP TRANSMISSION FROM THE CENTRAL OFFICE TO THE CUSTOMER'S PREMISES, UNBUNDLED FROM LOCAL SWITCHING AND OTHER SERVICES

1. Applicable Law

Section 271(c)(2)(B)(iv) of the Act requires a BOC to provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[374] The FCC has defined a loop as a transmission facility between a distribution frame, or its equivalent, in an ILEC central office, and the demarcation point at the customer's premises.[375] Furthermore, the FCC has indicated that VZ-RI "has an obligation to provision 'two wire and four-wire analog voice-grade loops,

[374] 49 U.S.C. § 271(c)(2)(B)(iv).

and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide services such as ISDN, ADSL, HDSL, and DS1-level signals.'"[376]

To comply with the requirements of this checklist item, VZ-RI must show that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that CLECs demand and at an acceptable level of quality.[377] In addition, access to the loop must be nondiscriminatory and, since the ordering and provisioning of network elements has no retail analogue, the FCC will look at whether the VZ-RI's performance offers an efficient CLEC a meaningful opportunity to compete.[378]

To determine whether VZ-RI is in compliance with the requirements of Checklist Item 4, the RIPUC reviewed VZ-RI's performance data contained in its C2C Performance Reports for the period March through August 2001, to determine its performance in the aggregate (i.e., by all loop types). The RIPUC also looked at VZ-RI's specific performance data contained in these C2C Performance Reports, including: the time interval for providing unbundled loops; whether due dates are met; whether CLECs are informed of the status of their order; and whether VZ-RI is meeting the requirements for maintenance and repair. In conducting its review, the RIPUC was looking for patterns of disparate treatment, as opposed to isolated incidents of substandard performance.[379]

2. VZ-RI's Position

It is VZ-RI's position that it has fulfilled the requirements of Checklist Item 4. VZ-RI represented that it provides a full set of unbundled loops (analog and digital, 2-

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[375] Massachusetts Order, ¶ 121, n. 393.
[376] Id. at ¶ 121 (citations omitted).
[377] Texas Order, ¶ 247.
[378] New York Order, ¶ 269.

wire and 4-wire), which CLECs can use to offer a full range of services, such as basic exchange telephone service, Integrated Services Digital Network ("ISDN"), Asymmetrical Digital Subscriber Line ("ADSL"), High-bit-rate Digital Subscriber Line ("HDSL"), 1.544 Mbps digital ("DS-1") transmission, and 45 Mbps digital ("DS-3") transmission.[380] VZ-RI stated that it also provides for the provisioning of Line Sharing and Line Splitting.[381]

VZ-RI explained that access to loops is provided by cross-connects that run from the VZ-RI distribution frame to the CLEC's collocation arrangement. Unbundled loops and cross-connects are available from VZ-RI under PUC RI No. 18 Tariff as well as its interconnection agreements.[382] VZ-RI maintained that it provides local loops unbundled from local switching or other network elements using the same processes, procedures and service centers in Rhode Island as are used in Massachusetts and New York. Therefore, VZ-RI argued that because the FCC found VZ-MA and VZ-NY to be in compliance with Checklist Item 4, the RIPUC should likewise find VZ-RI in compliance and provide a favorable recommendation to the FCC.[383]

VZ-RI asserted that it is already providing unbundled loops in commercial volumes in Rhode Island. It reported that through July 2001, VZ-RI had 25,504 stand-alone loops in service and approximately 3,400 loops provided as part of UNE-P.[384] There was a five-fold increase from year-end 1999 through December 2000 in VZ-RI's

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[379] See, e.g., Massachusetts Order, ¶ 122 (indicating that the FCC evaluates performance on the aggregate as well as specific loop type basis).
[380] Verizon RI 271 Filing - Checklist Declarations, ¶¶ 132-134.
[381] Id. at ¶¶ 174-200.
[382] See Verizon RI 271 Filing - Checklist Declaration, Attachments B and C. TELRIC-based rates, terms and conditions for Verizon RI's UNE loops have been established by the RIPUC in Docket No. 2681, as discussed under Checklist Item 2. Id.
[383] Verizon's Post Hearing Brief, p. 43-44.
[384] Tr. 10/10/01, p. 17.

stand-alone loop volumes in Rhode Island. VZ-RI maintained that it has successfully met the significant increases in demand and will continue to do so.[385]

A. POTS Loops and UNE-P

VZ- RI argued that it has excellent results with respect to the metrics traditionally used to measure loop and platform provisioning performance: (1) Missed Appointments Dispatch - Platform (PR 4-04), which measures timeliness; and (2) Percent Trouble Reports Within 30 Days (PR 6-01), which measures quality.[386]

VZ-RI stated that it provides analog "plain old telephone service" ("POTS") loops (new loops and loops as part of UNE-P) to CLECs at intervals comparable to those provided to its retail customers. During the months of March through May 2001, the Average Completion Interval (PR-2-03) for 1 to 5 POTS loops was 6.27 days, while the retail equivalent for dispatched orders was 4.82 days. VZ-RI argued that it has previously demonstrated in connection with its successful Section 271 applications for Massachusetts and New York that factors outside of Verizon's control can affect reported results for the interval measures.[387]

UNE-P loop orders were completed in a average of 1.74 days versus an average of 0.75 days for retail POTS dispatched and non-dispatched orders (PR-2-01 and PR-2-03). VZ-RI explained that the disparity in completion intervals is because VZ-RI's UNE-P orders are mostly migration orders, which are given a standard due date interval of two days. The retail comparison group, however, comprises orders to change line features, which typically flow through Verizon's systems and are completed within 24 hours.

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[385] Verizon's Post-Hearing Brief, pp. 44-45.
[386] The FCC also focused on these metrics in its Massachusetts Order, ¶ 162, n. 506, 507.
[387] Verizon RI 271 Filing – Checklist Declaration, ¶ 136; See Verizon RI 271 Filing – Measurements Declaration, Attachment 3.

Verizon indicated that it is currently working on reducing the due date interval for UNE-P orders.[388]

VZ-RI represented that it is provisioning CLEC orders for POTS loops and loops provided as part of UNE-P on time. For example, during the period March through May 2001, VZ-RI completed 96.72% of new dispatched UNE loop and UNE-P orders, and 96.24% of its retail dispatched orders, on time (PR-4-04). VZ-RI also pointed out that between June and August 2001, VZ-RI completed over 97% of the new dispatched UNE Loop and UNE-P orders compared to 96.59% of its retail dispatched orders on time.[389] Additionally, VZ-RI completed over 1,400 non-dispatched UNE-P orders during the same period and achieved an on-time completion rate of 99.93% on these orders (PR-4-05).[390] The on-time completion rate increased to 100% during the months of June through August 2001.[391]

VZ-RI noted that it is consistently meeting the Installation Quality metric (PR-6-01), which measures percentage of troubles reported within 30 days of installation. From March through May 2001, the trouble report was 1.53% for UNE POTS loops and 0.75% for UNE-P, compared to 3.81% for Rhode Island retail.[392] From June though August 2001, the trouble report was 2.22% for UNE-POTS loops and 1.25% for UNE-P, compared to 4.19% for retail.[393] Thus, VZ-RI argued, the provisioning data demonstrates that VZ-RI provides nondiscriminatory service to the CLECs.

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[388] Id.
[389] Verizon's Post-Hearing Brief, p. 45; See C2C Performance Reports for June through August 2001.
[390] Id. at 137; See Verizon RI 271 Filing – Measurements Declaration, Attachment 3.
[391] Id.
[392] Verizon RI – Filing – Checklist Declaration, ¶ 138; See Verizon RI 271 Filing – Measurements Declaration, Attachment 3.
[393] Verizon's Post-Hearing Brief, p. 46; See VZ-RI's C2C Performance Reports for June through August 2001.

VZ-RI maintained that it also provides maintenance and repair for loops on a nondiscriminatory basis, consistently meeting or exceeding the parity standard for the majority of maintenance and repair performance metrics.[394] VZ-RI met the standard for MR 2-02, Network Trouble Report Rate – Loop (POTS) each month between March and August 2001.[395]

VZ-RI pointed out that its performance in fixing POTS troubles when promised, as measured by the Percentage Missed Repair Appointment - POTS Loop on a weighted average basis (MR-3-01 and MR-3-02), exceeded the retail parity standard for March through May (3.56% UNE loop vs. 8.62% retail).[396] It also exceed the parity standard in the June through August period (7.75% UNE loop vs. 4.73% retail).[397] The same is true for residence and business UNE-P troubles on a weighted average basis (MR-3-01), where VZ-RI completed 98.08% of its repair appointments on time, versus 90.99% for retail, over the March through May period.[398] Good performance also occurred in the June through August period, when VZ-RI completed 95.18% of its repair appointments on time compared to 92.07% for retail.[399]

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[394] Verizon's Post-Hearing Brief, p. 48; See VZ-RI's C2C Performance Reports for June through August 2001. For example, VZ-RI's reported performance in March, April and May 2001, as measured by Network Trouble Report Rate - Loop (*i.e.,* for outside plant troubles) (MR-2-02) was at or better than parity with retail: 0.69% loop and 1.06% UNE-P, compared with 1.13% retail. The Network Trouble Rate – Central Office (MR-2-03) was negligible for UNE loop (0.03%) and UNE-P (0.20%) as well as retail (0.09%). Performance in the June through August period was: .72% loop and 1.41% UNE-P, compared with 1.33% retail. Between March and May 2001, the Network Trouble Rate - Central Office (MR-2-03) was negligible for UNE loop (0.03%) and UNE-P (0.20%) as well as retail (0.09%). Performance in June through August was: UNE loop (0.04%); UNE-P (0.26%) and retail (0.10%). Id.

[395] VZ-RI's Response to Record Request 1, Appendix 5 update, p. 7.

[396] Verizon RI 271 Filing – Checklist Declaration, ¶ 141.

[397] Verizon's Post-Hearing Brief, p. 48; See VZ-RI'sC2C Performance Reports for June through August 2001.

[398] Verizon RI 271 Filing – Checklist Declaration, ¶ 141.

[399] Verizon's Post-Hearing Brief, p. 48; See VZ-RI's C2C Performance Reports for June through August 2001.

VZ-RI argued that a review of other salient maintenance and repair measures demonstrates that VZ-RI provided timely POTS (loops and UNE-P) repair service to the CLECs in parity with retail service. VZ-RI's UNE performance, as measured by Mean Time to Repair (MR-4-01, 4-02 and 4-03), Percentage Cleared (all troubles) within 24 Hours (MR-4-04) and Percentage Out-of-Service > 24 Hours (MR-4-08), was better than retail for most measurements.[400]

Therefore, based on this data, VZ-RI argued that it is clear VZ-RI makes its UNE POTS loop and UNE-P repair services available on a non-discriminatory basis.[401]

B. Hot Cuts

Verizon argued that its hot cut performance in Rhode Island is excellent. VZ-RI is delivering hot cut loops when CLECs request them, as reflected in VZ-RI's on time performance (PR-9-01). VZ-RI completed 97.42% of hot cut orders on time from March through May 2001, which exceeds the 95% "on time" benchmark. Likewise, VZ-RI is delivering quality hot cut loops, as reflected in PR-6-02 (% Installation Troubles reported within 7 Days – Hot Cut Loop). Less than one percent of Hot Cut loop orders completed resulted in a trouble report being issued within 7 days of installation, surpassing the

[400] Verizon's Post-Hearing Brief, p. 48; See VZ-RI's C2C Performance Reports for June through August 2001. For example in the March through May 2001 period, CLECs enjoyed a shorter Mean Time To Repair (18.01 hours UNE POTS loop, 15.49 hours UNE-P) than did VZ-RI end users (19.68 hours). The same continued to be true for the June through August 2001 period. For example, the CLECs continued to enjoy a shorter Mean Time to Repair (16.32 hours UNE POTs Loops, 15.38 hours UNE-P compared to 23.15 hours for retail)

[401] In May 2001, VZ-RI's provisioning process for POTS loops received ISO 9000 certification. The systems, processes and methods by which VZ-RI maintains and repairs loops in Rhode Island are identical to those used by VZ-MA, where KPMG found that Verizon had satisfied all of the evaluation criteria with respect to maintenance and repair service. See generally, KPMG MA Report, at 239. The KPMG RI Report concluded that "[t]he systems or interfaces, processes management structures and performance measures are equal and alike for both Verizon-MA and Verizon-RI. The personnel and facilities are significantly similar with no material difference between Verizon-MA and Verizon-RI." Id.

objective of less than or equal to 2%.[402] VZ-RI also met each of the metrics for each month between June and August 2001.[403]

C. Digital Loops

VZ-RI represented that it provides the same digital loop offerings as its sister companies in Massachusetts and New York. The two major types of digital loops are 2-wire loops capable of providing ISDN services, and 2- and 4-wire xDSL-compatible loops. At the CLEC's request, VZ-RI will provide loop conditioning options, (e.g., removal of all bridged tap) in order to accommodate digital technology. VZ-RI argued that like VZ-MA, it provides nondiscriminatory access to unbundled digital loops.[404]

1. Pre-Ordering

VZ-RI explained that it provides CLECs that order DSL services with access to loop information in four alternative ways: (1) mechanized loop qualification; (2) access to loop make-up information; (3) manual loop qualification; and (4) engineering record requests. These pre-ordering interfaces, which VZ-RI provides to CLECs and its affiliate, VADI, are the same interfaces provided throughout the former Bell Atlantic territory, including Massachusetts and New York. VZ-RI argued that because these four methods of accessing loop make-up information have already been examined and approved by the FCC, VZ-RI is in compliance with this access requirement.[405]

According to VZ-RI, CLECs use the same mechanized loop qualification transaction whether they are interested in using the entire loop for DSL or in line sharing. CLECs can access this mechanized database via the Web GUI, CORBA, or the EDI

[402] Verizon RI 271 Filing – Checklist Declaration, ¶146.
[403] VZ-RI's Response to Record Request 1, Attachment 5 update, p. 6.
[404] Verizon RI 271 Filing – Checklist Declaration, ¶¶147-148.
[405] Id. at ¶149; see also, Massachusetts Order, ¶¶ 54-65.

application-to-application interfaces. This is the same database that is used to qualify an end user's line for VADI. As of May 2001, the database has been populated in 21 wire centers. These prequalified loops account for 94% on all loops in Rhode Island and 98% on all loops in central offices with collocation. VADI uses both Web GUI and CORBA for pre-ordering activity.[406]

Pre-order response times for mechanized loop qualification transactions are reported in PO-1-06. VZ-RI's response to mechanized loop qualification requests is excellent. No CLECs in Rhode Island utilized the EDI interface for mechanized loop qualifications during March through May; however, those who utilized CORBA and the Web GUI during that period received their loop qualification information in 2.05 to 5.11 seconds. In contrast, VZ-RI's retail performance ranged from 10.61 to 13.34 seconds.[407] VZ-RI reported similar performance for the period June through August 2001. According to VZ-RI, CLECs using CORBA and the Web GUI received their loop qualification information in 4.87 seconds. Retail performance ranged from 1.89 to 7.54 seconds.[408]

VZ-RI has indicated that it performs the manual loop qualification and returns the loop information on the firm order confirmation ("FOC"). The standard interval for providing such manual loop qualifications and returning the confirmations is 2 business days. The calculation of this metric (PO-8-01) on the C2C Performance Report is still under development. However, VZ-RI reported that it conducted a special study which

[406] Verizon RI 271 Filing – Checklist Declaration, ¶ 150.
[407] Id. at ¶ 151.
[408] Verizon's Post-Hearing Brief, p. 52. See June through August C2C Reports.

showed that during March, April and May 2001, 98.1% of manual loop qualification requests were completed within 2 days (including the order confirmation).[409]

2. Ordering

VZ-RI explained that it provides two ordering interfaces – the application-to-application EDI and the Web GUI. As with pre-ordering, CLECs and VADI use the same interfaces and underlying OSS to order line sharing (and unbundled DSL loops) in Rhode Island.[410]

According to VZ-RI, both VADI and other CLECs can submit their local service requests ("LSRs") for line sharing either through the Web GUI interface or the EDI interface. Verizon indicated that it receives orders from CLECs and VADI over the same interfaces, and that the systems and processes used by CLECs and VADI for ordering line sharing are the same. The ordering transactions for line sharing are processed on a first-in, first-out basis regardless of whether the transaction is submitted by VADI or a CLEC, because the interfaces and systems are designed not to distinguish between providers at the time of submission or while processing the transaction.[411]

VZ-RI noted that the C2C Guidelines include several separate measures of ordering timeliness. These measures include the timeliness of returning local service request confirmations ("LSRCs") and access service request confirmations ("ASRCs"), commonly referred to as FOCs, and they also include timeliness of reject notices. These measures are referred to in the C2C Performance Reports as OR-1-02, OR-1-04 and OR-1-06 and OR-2-02, OR-2-4 and OR-2-06. VZ-RI's ordering performance for pre-qualified loops is combined for line sharing and unbundled DSL loops. VZ-RI's

[409] Verizon RI 271 Filing – Checklist Declaration, ¶ 152.
[410] Id. at ¶ 154.

performance in returning order confirmations and reject notices is excellent. For example, 99.31% of LSRCs (OR-1-04) for 2 Wire Digital Loops ("ISDN") and 99.42% for xDSL loops were returned on time during March, April and May 2001.[412] VZ-RI's C2C Performance Reports from June, July and August 2001 showed that 96.13% of the LSRCs (OR-1-04) for ISDN Loops and 98.96% for xDSL Loops were returned on time.[413] There was no ISDN reject activity (OR-2-04), in March, but in April and May 2001, 97.73% of the rejects were returned on time.[414] In the June through August 2001 period, 100% of the rejects were returned on time. Reject notices for xDSL loops averaged 98.64% in the March through May period and was 100% in June through August period.[415] The standard for each of these categories is 95% within 72 hours.[416]

3. Provisioning and Maintenance Performance

VZ-RI indicated that VZ-NY is continuing to work collaboratively with the CLECs regarding the provisioning of xDSL loops. VZ-RI is already providing data competitors in Rhode Island with access to the same methods and system improvements that it has developed in the New York DSL Collaborative.[417] As described herein, these include the implementation of CLEC training programs, procedures for pair swaps, a "no access" management and coordination process, and a cooperative testing process. VZ-RI stated that it will implement any additional operational changes agreed to by the New York DSL Collaborative, subject to any changes by the RIPUC.[418]

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[411] Id.
[412] Id. at ¶ 155.
[413] VZ-RI's Response to Record Request 2; Verizon's Post-Hearing Brief, p. 53.
[414] Verizon RI 271 Filing – Checklist Declaration, ¶ 155.
[415] VZ-RI's Response to Record Request 2; Verizon's Post-Hearing Brief, p. 53.
[416] Verizon RI 271 Filing – Measurements Declaration, Attachment 3.
[417] Verizon's Post-Hearing Brief, p. 53. See New York Order, ¶ 317.
[418] Verizon RI 271 Filing – Checklist Declaration, ¶ 156.

VZ-RI reported that its performance for provisioning ISDN unbundled loops generally meets the C2C Guidelines.[419] As of the end of May 2001, there were over 300 such loops in service. There was no activity in March, but in April and May 2001, VZ-RI provided quality service to its competitors. Although the Average Completed Interval (PR-2-02) for dispatched UNE ISDN loops was slightly greater than for dispatched retail ISDN loops (5.40 days vs. 4.75 days), results for missed installation appointments (PR-4-04) for CLECs were superior to those achieved for retail (0.00% UNE vs. 2.52% retail).[420] VZ-RI noted that its performance during the June through August 2001 period was similar (1.43% UNE vs. 3.61% retail).[421]

VZ-RI explained that Installation Quality (PR-6-01) results appear out of parity for the months of March through May 2001 because of one CLEC that does not perform cooperative testing at turn-up. This CLEC accepts loops without testing and, days later, when the end user is ready for service and there is a problem in the circuit, issues a trouble ticket. VZ-RI acknowledged that this continued to be a problem in the June through August 2001 period, and VZ-RI stated that it is working with the CLEC to solve this issue. In addition, VZ-RI has pointed out that the Carrier Working Group in the New York Carrier-to-Carrier Collaborative has recognized that this metric does not have the appropriate retail compare group.[422]

VZ-RI asserted that its UNE ISDN maintenance and repair performance is satisfactory and does not preclude any CLEC from competing against VZ-RI. Although the UNE ISDN trouble report rate on a weighted average basis (MR-2-02 and 2-03) was

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[419] Id. at ¶ 159; Verizon's Post-Hearing Brief, p. 54.
[420] Verizon RI 271 Filing – Checklist Declaration, ¶ 159; Verizon RI 271 Filing – Measurements Declaration, Attacment 3.
[421] Verizon's Post-Hearing Brief, p. 54; See June through August 2001 C2C Reports.

higher than that for retail (3.00% UNE compared to 1.04% retail), during the months of March through May 2001, VZ-RI pointed out that the UNE ISDN missed appointment rate on a weighted average basis (MR-3-01 and MR-3-02) was much lower than its retail counterpart (3.33% UNE compared to 26.23% retail). VZ-RI stated that the same pattern held true in the June through August 2001 period. The UNE ISDN trouble report rate on a weighted average basis (MR-2-02 and MR-2-03) was higher than that for retail (1.70% UNE compared to 0.43% retail). However, during the months of June through August 2001, the UNE ISDN missed appointment rate on a weighted average basis (MR-3-01 and MR-3-02) was much lower than its retail counterpart (0.00% UNE compared to 24.00% retail). The mean time to repair UNE ISDN troubles (MR-4-01) was better than retail (13.27 hours vs. 18.10 hours) in the March through May 2001 period.[423] In the June through August 2001 period, the mean time to repair UNE ISDN troubles was also satisfactory (14.25 hours UNE vs. 17.80 hours retail).[424]

VZ-RI asserted that it has also proven it can handle commercial volumes of xDSL loops. VZ-RI stated that it had provisioned over 2,400 2-wire xDSL loops as of the end of May 2001.[425]

VZ-RI noted that on average, its on-time performance for xDSL loops has far exceeded the bellwether on-time performance measure, PR-4-04 "Percent Missed Appointment – Verizon Dispatch." For the March through May 2001 time frame, the

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[422] Verizon's Post-Hearing Brief, p. 54; see also Tr. 10/10/01, pp. 26-9.

[423] Verizon's Post-Hearing Brief, pp. 54-55; See Verizon RI 271 Filing - Measurements Declaration, Attachment 3.

[424] Verizon's Post-Hearing Brief, p. 55; See VZ-RI's C2C Performance Reports for June through August 2001.

[425] Verizon's Post-Hearing Brief, p. 55. VZ-RI reiterated that it will, on request, condition loops that are not initially xDSL-capable. VZ-RI provides CLECs with a package of standardized pricing, terms and options for conditioning loops and related services. These include the removal of bridged taps or load coils

average Percent Missed Appointments (PR-4-04) was slightly greater than one percent (1.18%) for CLECs, which well exceeds the standard of not greater than five percent (5%) missed appointments.[426]

VZ-RI maintained that it is provisioning xDSL loops on a timely basis. During March, April and May 2001, VZ-RI provisioned dispatched xDSL loops to CLECs (PR-2-02) in an average of 5.37 days, which compares favorably to the standard installation interval of six (6) business days. VZ-RI also beat the six-business-day-standard interval when non-dispatched orders (PR-2-01) are added to the results.[427] VZ-RI reported a similar aggregate performance level for the months of June through August 2001.[428]

The monthly data for March through May 2001 also show parity in the installation quality for xDSL loops, (see results for PR-6-01 "% Installation Troubles Reported within 30 Days"), where UNE results averaged 1.25%, and retail results averaged 3.81%.[429] VZ-RI reported meeting the parity standard for the months of June through August 2001 as well.[430]

VZ-RI indicated that it uses the same methods and procedures to provision xDSL service in Rhode Island as it does in Massachusetts and New York. When VZ-RI installs an xDSL loop, it is prepared to cooperatively test that loop with the CLEC to verify continuity and ensure that the loop meets the requirements as communicated in

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on copper loops and the addition of electronics that extend the effective range of ISDN/xDSL on longer loops.

[426] Verizon RI 271 Filing – Checklist Declaration, ¶ 162.

[427] Id. at ¶ 163.

[428] Verizon's Post-Hearing Brief, p. 56.

[429] Verizon RI 271 Filing – Checklist Declaration, ¶ 164.

[430] Verizon's Post-Hearing Brief, p. 56. See VZ-RI's Performance Reports for June through August 2001 .

"Verizon's Technical Requirements" documents for digital loops. Cooperative testing is a standard part of VZ-RI's provisioning process.[431]

As for maintenance and repair services, a review of VZ-RI's performance on these measures during March through May 2001 and June through August 2001 indicates that VZ-RI has generally provided very good service for maintenance and repair for xDSL loops, especially in the category of Mean Time to Repair.[432] Missed Repair Appointments on a weighted average basis (MR-3-01 and MR-3-02) for March through May equaled 3.51%, which represents 2 misses out of 57 UNE repair appointments, versus 4.35% or 1 miss out of 23 retail repair appointments. For the June through August period, it equaled 5.00% for UNE, versus 13.79% for retail. On average, VZ-RI reported fixing retail loop troubles (MR-4-02) in 16.68 hours, while CLEC troubles were fixed in 16.83 hours during March through May 2001. During June, July and August 2001, retail loops were fixed in 24.9 hours, while CLEC troubles were fixed in 13.49 hours. VZ-RI indicated that when xDSL troubles were found in the Central Office (MR-4-03), UNE troubles were fixed much sooner than retail (1.87 hours UNE versus 17.22 hours retail) in the March through May 2001 period. In the June through August 2001 period, it was 7.76 hours UNE versus 7.56 hours retail. VZ-RI represented that it fixes CLEC troubles when promised, and within a shorter time span than it does its own retail troubles.[433]

Finally, the Trouble Report Rate on a weighted average basis (MR-2-02 and MR-2-03) for CLEC xDSL loops (0.66%) is higher than for retail (0.15%) during the March through May 2001 period. During the June through August 2001 period, it was also

[431] Verizon RI 271 Filing – Checklist Declaration, ¶ 165.
[432] Verizon's Post-Hearing Brief, p. 57; See Verizon RI 271 Filing - Measurements Declarations, Attachment 3. See also VZ-RI's C2C Performance Reports for June through August 2001.
[433] Verizon's Post-Hearing Brief, p. 57.

higher (0.59%) for CLEC xDSL loops compared to retail (0.07%). For both groups, this is an extremely low network trouble report rate. VZ-RI asserted that these results show that VZ-RI provides quality xDSL loops, as demonstrated by the fact that less than one percent of all unbundled xDSL loops provisioned by VZ-RI experienced troubles during the March through May 2001 timeframe as well as in the June through August 2001 period. VZ-RI noted that the higher trouble report rate for CLECs reflects the fact that troubles included in the retail compare group for unbundled xDSL loops (i.e., line sharing provided by VADI) do not include troubles that also affect VZ-RI's voice service, because such "loop" troubles are reported and "scored" as retail POTS voice troubles rather than VADI line share troubles. In contrast, troubles reported on CLEC xDSL loops include all loop troubles.[434]

D. Unbundled Sub-loops

VZ-RI noted that the FCC found that VZ-MA is providing CLECs with unbundled access to subloops.[435] VZ-RI stated that the same should hold true for Rhode Island because VZ-RI follows identical procedures. Subloops are portions of the loop that runs from the central office to the customer premises. The portion closest to the central office is the feeder subloop, while the portions closest to the end users are the distribution subloops. VZ-RI's unbundled distribution sub-loop product offering provides CLECs with access to the copper distribution sub-loop at VZ-RI's Feeder Distribution Interface ("FDI"), where the feeder subloop and the distribution subloop

[434] Verizon's Post-Hearing Brief, pp. 57-8.
[435] Verizon's Post-Hearing Brief, p. 58. See Massachusetts Order, ¶ 154.

interconnect. DSL service providers, including VADI, can use these subloop UNEs to reach end users served by loops that are equipped with fiber feeder.[436]

VZ-RI noted that its distribution subloop offering is available in Rhode Island under Part B, Section 11 of the PUC RI No. 18 Tariff and also under interconnection agreements.[437] In order to gain access to VZ-RI's distribution facilities, a CLEC must establish a presence near the FDI through the creation of a Telecommunications Carrier Outside Plant Interconnection Cabinet ("TOPIC"). The TOPIC is provided by the CLEC on a CLEC-secured right-of-way or easement, and the CLEC can tailor the TOPIC's design and size to meet its specific needs.[438]

VZ-RI noted that its standardized subloop offerings also include access to the house and riser cable ("HARC") and to the network interface device ("NID"). Where VZ-RI owns the house and riser at an end user's premises, VZ-RI indicated that it will provide HARC to CLECs on an unbundled basis pursuant to an interconnection agreement. For CLECs that deploy their own loop facilities, VZ-RI stated that it also offers access to its stand-alone NIDs. Any NID deployed on an unbundled loop or distribution sub-loop is provided as part of the product.[439] Furthermore, VZ-RI asserted that upon request, it will provide access to other portions of the loop at other technically feasible points, and, if demand materializes, will develop a standardized offering.

[436] Verizon RI 271 Filing – Checklist Declaration, ¶ 169.
[437] As of the end of May 2001, VZ-RI had entered into three interconnection agreements for its distribution subloop offering. Id. at ¶ 171.
[438] Id. at ¶ 170.
[439] Id. at ¶ 172.

E. Line Sharing

VZ-RI asserted that it offers line sharing in Rhode Island in accordance with the FCC's requirements in its Line Sharing Order.[440] VZ-RI stated that consistent with the FCC's Line Sharing Order, it offers requesting carriers unbundled access to the high frequency portion of those loops on which VZ-RI provides the voice service to end users. VZ-RI indicated that line sharing is available from VZ-RI under its interconnection agreements and Part B, Section 12 of the PUC RI No. 18 Tariff.[441]

As of the end of August 2001, VZ-RI had seven interconnection agreements with line sharing provisions and CLECs had placed over 4,997 line share orders in Rhode Island. Even though all but one of these orders were for VADI, VZ-RI stated that line sharing is available to all CLECs.[442]

VZ-RI asserted that it uses the same methods and procedures for provisioning line sharing orders in Rhode Island as are used by VZ-MA and VZ-NY. VZ-RI pointed out that the FCC found that VZ-MA had satisfied its line sharing obligations.[443]

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[440] See Deployment of Wireline Services Offering Advanced Telecommunications Capabilities and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order in CC Docket 98-147, Fourth Report and Order in CC Docket 96-98, 14 FCC Rcd 20912 (1999) (**"Line Sharing Order"**).

[441] Verizon RI 271 Filing – Checklist Declaration, ¶ 174.

[442] Id. at ¶ 175; See Tr. 10/10/01, p. 46.

[443] Verizon RI 271 Filing – Checklist Declaration, ¶ 176; See Massachusetts Order ¶ 165. VZ-RI indicated that like VZ-MA, VZ-RI offers CLECs a choice of two line sharing arrangements. One arrangement, known as Option A, provides CLECs with the ability to install, own and maintain the splitter in the CLEC's own collocation arrangement. (The splitter separates the data-carrying, high frequency portion of the loop, from the voice-carrying, low frequency portion of the loop.) The second arrangement, Option C, allows a CLEC-owned splitter to be installed and maintained by VZ-RI in VZ-RI's central office space.

VZ-RI has also developed procedures for handling voice service interruptions that are caused by the CLEC's data service when line sharing is deployed. In these situations, VZ-RI will restore the customer's voice service by bypassing the splitter, and immediately notify the CLEC and request that the CLEC test and repair its data service. When the CLEC notifies VZ-RI that the problem on the CLEC's data service has been corrected, VZ-RI will reconnect the line to the splitter and charge the CLEC a fee to recover its costs for isolating and temporarily removing the malfunctioning data service.

Line sharing is also available to CLECs that seek to serve customers whose lines are partially fiber and are served by digital loop carrier ("DLC") systems. Loops equipped with DLC are fiber between the central office and the remote terminal, and copper from the remote terminal to the customer's premises. In

VZ-RI noted that evidence that it is providing non-discriminatory access to line sharing is normally seen by comparing its performance in provisioning VADI's service with its performance in provisioning service to other CLECs.[444] VZ-RI asserted that in Rhode Island, this is not practical due to the small volumes from other CLECs.[445] VZ-RI pointed out that in its Massachusetts Order, the FCC stated that in the alternative it was appropriate to look to Verizon's line sharing performance in New York, where line sharing volumes were larger.[446] Following this line of reason, VZ-RI presented the RIPUC with Massachusetts line sharing data (where line sharing volumes are larger than in Rhode Island) to demonstrate that it was providing CLECs with non-discriminatory treatment.[447]

VZ-RI noted that at year-end 2000, there were approximately 44,500 shared lines in Massachusetts. By the end of May 2001, VZ-RI reported that that figure had risen to roughly 74,000 among three CLECs. VZ-RI stated that the VZ-MA C2C Performance Reports for March through May 2001 showed that VZ-MA provides line sharing on a non-discriminatory basis. The Average Completion Interval (PR-2-01, PR-2-02) for

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order to provide DSL service, a copper-based technology, in a line sharing arrangement to customers served by DLC, the CLEC must obtain access to the copper distribution subloop portion (i.e., the final leg) of the loop. CLECs seeking to serve customers with DLC on their lines have three provisioning options available to them.

First, as noted above, pursuant to Verizon's unbundled subloop offering, a CLEC may collocate either in or adjacent to the remote terminal and interconnect at the feeder distribution interface to obtain access to the copper distribution portion of the loop. The second option is like the first one except that the CLEC can purchase, from Verizon, a high speed transmission path (i.e., a DS-1 or DS-3 feeder facility) as either an unbundled network element or a service between the CLEC's remotely collocated DSLAM (Digital Subscriber Line Access Multiplexer) and the central office to transport its data signal between these two points. Third, Verizon has agreed to provide CLECs with "line and station transfers" pursuant to which Verizon will move or switch a customer whose line is equipped with DLC to a full (i.e., from the central office to the customer's premises) copper loop, provided that such a loop is available and that the length of the full copper loop would not result in a significant degradation of the voice service, thereby enabling the CLEC to provision its DSL service over the entire length of the loop. Id. at ¶¶ 179-186.

[444] See Massachusetts Order, ¶¶ 163-165.

[445] Verizon's Post-Hearing Brief, p. 60.

[446] Id.

[447] Verizon RI 271 Filing – Checklist Declaration, ¶ 188.